



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Summary CITY COUNCIL

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
G. A. (Andy) Morris, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, September 11, 2013

7:00 PM

Council Chamber

20130889

MyMarietta App

Ronnie Barrett, IT Director and Jeremy Waite, Systems Manager, will give a presentation of version 2 of the MyMarietta mobile app which will allow users to access their utility account with Marietta Power, view up-to-date map data, zoning, parking and parks and recreation facilities information. Also, the mobile device will permit access for citizens to watch all City Council meetings, board meetings and community events on demand.

Presented

20130892

Proclamation - Clean Water Week & Public Power Week

Proclamation presented to Heidi Isom from the BLW Marketing Department proclaiming September 29-October 5, 2013 as Public Power and Clean Water Week in the City of Marietta.

Read

20130999

Proclamation - Fire Prevention Week

Proclaiming the week of October 6-12 as "Prevent Kitchen Fires" week to encourage people of Marietta to participate in fire prevention activities at home, work and school to ensure their safety and minimize the occurrence of fires within the City of Marietta.

Read

20131012

Dr. Ernest Easley, Sr. Pastor Roswell Baptist Church

Present

* **20130920 Regular Meeting - August 14, 2013**

Review and approval of the August 14, 2013 regular meeting minutes.

Approved and Finalized

* **20130921 Special Meeting - August 28, 2013**

Review and approval of the August 28, 2013 special meeting minutes.

Approved and Finalized

* **20130811 Z2013-22 Max Burmeister 1733 Canton Road**

Z2013-22 [REZONING] MAX BURMEISTER requests rezoning for property located in Land Lot 08040, District 16, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia and being known as 1733 Canton Road from CRC (Community Retail Commercial) to LI (Light Industrial) and for a Special Land Use Permit to allow an automobile towing and storage facility. Ward 6.

Approved and Finalized

20130681 Z2013-18 David J. Broel 70 Beavers Street

Z2013-18 [REZONING] DAVID J. BROEL requests rezoning for property located in Land Lot 12130, District 16, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia and being known as 70 Beavers Street from R-4 (Single Family Residential 4 units/acre) to CRC (Community Retail Commercial). Ward 5.

Approved and Finalized

* **20130733 Z2013-20 Keith Crystal 140 Dodd Street**

Z2013-20 [SPECIAL LAND USE PERMIT] KEITH CRISTAL requests rezoning for property located in Land Lot 12370, District 16, Parcel 0450, 2nd Section, Marietta, Cobb County, Georgia and being known as 140 Dodd Street from CRC (Community Retail Commercial) to LI (Light Industrial), with a Special Land Use Permit (SLUP) for an auto storage yard and wrecker service. Ward 7.

Tabled

* **20130988 Denial of Claim**

Denial of the claim of Jocelyn Guillaume.

Approved to Deny

- * **20130997** **Denial of Claim**
- Denial of the claim of Cobb County.
- Approved to Deny**
- * **20130998** **Denial of Claim**
- Denial of the claim of National Net, Inc.
- Approved to Deny**
- * **20130891** **Franklin Gateway TAD**
- Ordinance approving an Amendment to the Fiscal Year 2014 Budget to allocate former Franklin Gateway TAD funds into a new account for redevelopment expenses.
- Approved and Finalized**
- * **20130897** **DOJ - 2013 Byrne Grant**
- Ordinance approving amendment to the Fiscal Year 2013 General Fund Budget to receive and appropriate a grant from the Department of Justice in the amount of \$37,114 to continue funding the part-time Cyber Specialist position.
- Approved and Finalized**
- * **20130902** **CSX railroad and Walmart Donations**
- Ordinance approving the amendment to the FY2014 General Fund budget to receive and appropriate a donation of \$4,180 from CSX and \$500 from Walmart to purchase a fuming chamber for the police crime lab.
- Approved and Finalized**
- * **20130972** **National League of Cities (NLC) Annual Meeting**
- Motion to approve travel and training for members of Council who wish to attend the National League of Cities (NLC) Annual Congress of Cities in Seattle, Washington, November 13, 2013 - November 16, 2013.

20130896**Detail Plan for Meeting Park**

Motion to approve the Detailed Plan for Meeting Park, including the land plan, landscape plan and architectural renderings, signed by the owner and dated September 11, 2013, in accordance with Section 708.20(J.4) of the Marietta City Code, with the following stipulations. These stipulations shall replace and supercede in full any and all prior stipulations which are currently in place concerning the property.

The approved Detailed Plan shall include the following variances:

1. Variance to reduce the minimum right of way width required for a local, two-lane street from 50 ft. to a minimum of 22 ft.(back of curb to back of curb); with a minimum utilities/access easement of 36 ft. measured from edge of easement to edge of easement . [730.01(L)]
 - a. The access easement will extend to the back of sidewalk and any required public ADA access locations.
 - b. The utility easement will extend 5 feet beyond the location of any utility lines.
 2. Variance to reduce the minimum width of a sidewalk from 5 feet to 4 feet, but will be required to expand to 5 feet at certain locations to meet ADA requirements. [732.07(C)]
 3. Variance to provide street trees only along the public streets as shown on the submitted plans. [712.08]
 4. Variance to allow trees in right of way, as shown on the submitted plans. [712.08(D)]
- (Minor changes to the landscape plan, including location and change of species, may be made only upon approval of the City Arborist.)

In order to ensure that homes built within the Meeting Park development are built consistent with the 4-Sided Architecture definition, the following language shall be adopted:

1. The homes in the community shall be traditional in nature, and consistent with the house elevations submitted and signed by John Wieland Homes and approved by the City of Marietta, dated September 11, 2013.
2. Design features, standards, and requirements incorporated in the homes shall be as follows:
 - a. Mixture of materials with material changes taking place on the interior corners or where roof massing accommodates the change of materials.
 - b. Window muntins appropriate to the style of the home on all four sides of the residence.
 - c. Shutters deemed appropriate by the architect on front and side elevations (and on the rear elevations where they can be seen from the public streets) of the homes.

- d. Mixture of the materials to continue, as appropriate onto the side and rear elevations.
- e. There shall be a maximum of 20 feet horizontally and vertically between architectural fenestration elements (windows, false shutters, change of material, etc.) per heated floor space. This will eliminate large expanses of a single material without a break and add architectural interest to the elevations.
- f. In the event of a disagreement as to being four-sided architecture, the City Manager of the City of Marietta, GA shall be the final arbiter of the plan meeting the criteria.

Approved and Finalized

* 20130912

Towing on the Square

Motion to authorize the installation of a sign on public right-of-way on Anderson Street in front of the parking lot for 25 Atlanta Street that would let visitors to the Square know that this is not a public lot and that your vehicle may be towed. Further, the sign would be funded by the Downtown Marietta Development Authority (DMDA).

Approved as Amended

20131035

Towing Fees

Motion to set the maximum towing fee inside the city limits of Marietta at \$75 for vehicles (including all fees) with gross weight of 10,000 pounds or less in accordance with Marietta City Code 8-12-24-010-A and Georgia State Code Section 44-1-13-D1, no storage fees shall be charged for the first 24-hour period which begins when the vehicle is removed from the property and no such fee shall be allowed for removal and storage of vehicles removed by towing and found to be in violation of Marietta City Code. Further, this maximum towing fee shall apply to the nonconsensual removal of vehicles from private property.

Motion to set the maximum towing fee inside the city limits of Marietta at \$125 for vehicles (including all fees) with gross weight of 10,000 pounds or less in accordance with Marietta City Code 8-12-24-010-A and Georgia State Code Section 44-1-13-D1, no storage fees shall be charged for the first 24-hour period which begins when the vehicle is removed from the property and no such fee shall be allowed for removal and storage of vehicles removed by towing and found to be in violation of Marietta City Code. Further, this maximum towing fee shall apply only to the nonconsensual removal of vehicles from private property.

Approved as Amended

- * **20130900** **Licensing of Temporary Vendors**
- Motion to authorize advertising for proposed amendments to Code Section 8-12-26 of the Business License Ordinance (45 days), Transient Vendors and Temporary Businesses.
- Approved for Advertisement**
- * **20130894** **Whitaker Park Funding Request**
- Motion to approve funding not to exceed \$11,800 from the 2009 Park Bond Fund - specifically the line for Whitaker Park in Category B, Improvements to Existing Parks and Facilities - to make improvements to the Whitaker Park Playground.
- Approved and Finalized**
- * **20130923** **Street Trees**
- Motion to move forward with the design for street tree planting on Mill Street, Whitlock Avenue, Powder Springs Street and Atlanta Street and implementation as funding is approved.
- Approved and Finalized**
- * **20130880** **Reorganization of the IT/GIS Department**
- Approval of an Ordinance amending the City of Marietta and Board of Lights and Water position allocations chart and position classification and compensation plans for the 2014 fiscal year.
- Approved and Finalized**
- * **20130899** **Marietta Development Authority**
- Appointment of Sterling G. Wharton to the Marietta Development Authority (Post 3) for a term of four (4) years expiring September 11, 2017.
- Approved and Finalized**
- * **20130881** **Group Health Plan Administration**
- Motion to approve the renewal of the group health plan administration with Blue Cross/Blue Shield of Georgia, Inc. for calendar year 2014. Further, authority is requested to approve the administrative service agreement with Blue Cross/Blue Shield of Georgia, Inc.
- Approved and Finalized**
- * **20130885** **Select Luxury Cars**

Motion to allow the installation of a wall along New Hope Road, with the execution of an Indemnification Agreement and Permanent Access Easement, subject to the approval of the City Manager and City Attorney, before the issuance of a building permit.

Approved and Finalized

* **20130886 124 Powers Ferry Road**

Motion to deny a request to install stamped concrete within right of way across property fronting 124 Powers Ferry Road.

Approved and Finalized

* **20130887 CSX Construction Agreement**

Motion to approve a Construction Agreement with CSX Transportation for construction of the South Marietta Parkway and Atlanta Street intersection improvement project.

Approved and Finalized

* **20130888 Overhead Utilities**

Motion approving variance from the underground utility ordinance, 5-4-160, for Zayo Communications to over lash existing cable on Allgood Road.

This motion does not grant a perpetual variance. Zayo Communications must relocate underground at their expense if other utilities at the location are moved underground.

Approved and Finalized

* **20130901 County Transportation Plan (CTP) Update - Stakeholder Committee Appointments**

Appointment of Johnny Sinclair to represent the city as a stakeholder committee member for the County Transportation Plan (CTP) Update Meeting.

Approved and Finalized

* **20130924 Whitlock Drive - Striping**

Motion directing Public Works not to replace the center stripe along Whitlock Drive as part of the current resurfacing project.

Approved and Finalized

* **20130765 Speed Table Ordinance**

Approval of revisions to the Speed Table Ordinance.

Approved and Finalized

20131023 Speed Hump Policy

Motion authorizing the Public Works Department to process any application received by the Public Works Department for speed humps on a residential street which application was officially commenced or received by the Public Works Department on or before July 10, 2013. The Public Works Department is directed to authorize and complete the application process and to restart any such application by calculating the remaining days to be applied to such application using the date of July 10, 2013. Any such application recommenced based upon this motion shall be processed and governed by the Speed Hump Policy in effect within the City of Marietta as of September 11, 2013 and subject to the final consideration of the Mayor and Council.

Motion authorizing the Public Works Department to process any application received by the Public Works Department for speed humps on a residential street which application was officially commenced or received by the Public Works Department on or before July 10, 2013. The Public Works Department is directed to authorize and complete the application process and to restart any such application by calculating the remaining days to be applied to such application using the date of July 10, 2013. Any such application recommenced based upon this motion shall be processed and governed by the Speed Hump Policy in effect within the City of Marietta as of March 6, 2013 and subject to the

Approved as Amended

* **20130849 Amendment to Rules of Procedure of Council 1-4-040-D**

Motion approving an amendment to the Rules of Procedure of Council 1-4-040-D to delete item 16 Appearances and renumber the other items.

Approved and Finalized

* **20130865 Council Gatherings**

Motion to amend code section 1-4-040 Rules and Procedures of Council, (W. Council Gatherings) to read as follows

w. Council Gatherings. The city manager is hereby directed to post notices in conformity with the Georgia Open Meetings law regarding informal gatherings following council events from time to time as needed. ~~following city council meetings whereby a quorum of the mayor and city council may gather for a meal. Such notice shall state that the purpose of the gathering is for informal discussion and socializing. No voting may occur at any such gathering and no official action may be taken at any such gathering. The city council person designated for the invocation for the specific month shall designate a restaurant within the city limits of the City of Marietta and, in default thereof, the city manager shall designate the Marietta Diner located at 306 Cobb Parkway South, Marietta, Georgia. In addition, at the committee of the whole meeting prior to the regular monthly city council meeting, a majority of the city council shall be authorized to designate a different restaurant and in such case that will be the location posted.~~

Approved and Finalized

* **20131009 Acceptance of HEAT Grant**

Approval of an Ordinance amending the Fiscal Year 2014 budget to receive and appropriate a grant from the Governor's Office of Highway Safety to maintain a HEAT (DUI) unit.

Approved and Finalized

* **20130981 Signage payment from Life University**

Approval of an ordinance amending the FY2014 General Fund budget to receive and appropriate \$35,666 for decorative signing on Barclay Circle at Life U

Approved and Finalized

* **20130978 Traffic Calming Requests**

Motion authorizing selected streets in attached list to reduce speed limit to 25 mph.

Motion authorizing selected streets in attached list to reduce speed limit to 25 mph, with the exception of Manning and Chicopee

Approved as Amended

- * **20130728** **Lee's Trace Speed Tables**
- Motion to approve installation of three speed tables along Lee's Trace near A.L. Burruss Elementary conforming to the heights specified in Legistar ID 20130765. Further, authorizing one radar speed sign on Lee's Trace at each of the two locations nearest to Trailwood Drive used during the recent speed table balloting process.
- Approved and Finalized**
- * **20131031** **Maple Avenue Speed Signs**
- Motion to install two radar speed signs on Maple Avenue in the vicinity of West Side Elementary School.
- Approved and Finalized**
- * **20131033** **Amendment to Ordinance #6808 (20050485) Meeting Park Development**
- Ordinance to amend prior ordinance #6808 (20050485) that rezoned property on Roswell Street, Waterman Street, Waddell Street, Wayland Street and Green Street. The description of the property, originally incorrect due to a scrivener's error, is being corrected with this ordinance.
- Approved and Finalized**
- * **20131030** **24 Alexander Street, 25 Alexander Street and 274 Washington Avenue**
- Motion approving the modification of Motion 20130877 dated August 14, 2013 to add the following stipulation:
- The duration of the easement will be good for 24 months from closing or completion of the project, whichever occurs first.
- Approved and Finalized**

20130974 Final Plat Montgomery Park

Motion to approve the Final Plat for Montgomery Park located in Land Lots 1144 and 1145, District 16, 2nd Section, Marietta, Cobb County, Georgia. Included with the approval of this plat are the following conditions:

1. Reduction of the required travelway for Lyman Drive from 20 ft. to 19 ft.
2. Reduction of the required roadway width for Lyman Drive from back of curb to back of curb from 24 ft. to 23 ft.
3. Handicapped ramps must be completed prior to the issuance of a Certificate of Occupancy.
4. Before any lot accessed by an alley can obtain a Certificate of Occupancy, the entire alley must be completed from road to road.
5. Once the handicapped ramps and alleys are completed, a revised final plat must be recorded.

Approved as Amended

*** 20131036 357 Allgood Road**

Motion to approve property purchase of 357 Allgood Road per the executed contract.

Approved and Finalized

*** 20130922 BLW Actions of the September 9, 2013**

Review and approval of the September 9, 2013 actions and minutes of the Marietta Board of Lights and Water.

Approved and Finalized

*** 20131071 Digital Billboards**

Motion to halt all advertising activities regarding proposed amendments to the Comprehensive Development Code of the City of Marietta, Division 714.04, Signs, Section 714.04(F), General Advertising and Off-Premises Signs.

Approved and Finalized